

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH *ex rel.* POWELL, *et. al.*,

Plaintiffs,

-against-

HOLMES, *et al.*,

Defendants.

CIVIL ACTION NO.
1:18-cv-11336-FDS

**DECLARATION OF
DAVID D. JENSEN, ESQ.
REGARDING SERVICE**

I, David D. Jensen, declare as follows:

1. I am counsel for Plaintiffs in the above-captioned matter. I submit this declaration to provide additional details regarding service of the motion on the proposed new parties pursuant to Local Rule 15.1.

2. Local Rule 15.1(b) requires service “in the manner contemplated by Fed. R. Civ. P. 5(b),” that is, in the manner parties normally serve documents other than initial pleadings (e.g. motion papers). Rule 5(b) allows for service by, pertinently, “mailing it to the person’s last known address—in which event service is complete upon mailing.” Fed. R. Civ. P. 5(b)(2)(C). Rule 5(b) expressly provides that “[i]f a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.” *Id.* 5(b)(1).

3. The claims against the proposed new defendants arise out of their actions as municipal police officers. Accordingly, for each individual employed by a municipality that had appeared in this action, we sent copies of the motion and amended pleading to the attorney who had appeared, along with a letter stating the pleading would be filed on September 24, 2021. We sent these documents by both U.S. Mail and email. For two individuals whose municipal

employer (Dedham) had not appeared, we sent the same documents addressed to the attention of the individuals (Chaffee and Walsh) at the Dedham Police Department by U.S. Mail. We sent all of the mailings and emails on September 10, 2021.

4. On September 13, 2021, Attorneys Donohue and McGonigle advised that they did not represent individual defendants Crockett, Desmond, Gomes, Haskell, Hodson, MacDonnell, Mansfield, Martel, Moses or Perry. Accordingly, on that same date, we sent copies of the same papers to each of the individuals at their respective police departments by U.S. Mail (along with letters advising them of the date of submission).

5. Although no attorney has appeared for the Town of Dedham, I realized, while reviewing the file on September 13, 2021, that we had spoken with an attorney (Janelle Austin) who represented the Town the previous year. Accordingly, on that same day I sent a copy of the papers we had mailed to the individuals (Chaffee and Walsh) to Attorney Austin by email.

I affirm all of the foregoing statements under the penalty of perjury under the laws of the United States of America.

Dated: September 24, 2021

/s/ David D. Jensen
David D. Jensen, Esq.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on Sept. 24, 2021.

/s/ David D. Jensen
David D. Jensen, Esq.